

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**W9a**

Filed: 4/14/05  
 180th day: 4/17/05  
 PSA 90-day ext.: 7/16/05  
 Staff: CKC- SC  
 Staff report: 4/21/05  
 Hearing date: 5/11/05

**STAFF REPORT: AMENDMENT****Application Number .....3-00-020-A1 (Witter Amendment)****Applicant.....**Witter Family Trust, Attn. Dean & Rebekah F. Witter, III**Project Location.....**112A Yankee Point Drive, Carmel Area, Monterey County (APN 243-161-017).

**Amendment Description:** Applicant is requesting an amendment to a previous permit requirement prohibiting development in deed restricted scenic preservation area, to allow for construction of wood and wire fence and gate(s) as part of new residential development of modular single family dwelling on site (under CDP 3-04-052).

**File documents.....**Coastal Permit files 3-04-052 (Witter SFD), 3-00-020 (Stackpole after-the-fact construction of fencing and landscaping), P77-596 (LaMonica SFD), P-80-421 (Schrader fence); Monterey County LCP including Carmel Area Land Use Plan.

**Staff recommendation ...Approval with Conditions****Summary of Staff Recommendation**

The project is located in the unincorporated Carmel Area of Monterey County (project vicinity map is shown in Exhibit A). Although Monterey County has a certified local coastal program, the subject parcel is one of five residential parcels located in an area of deferred certification. Therefore, the Coastal Commission retains coastal permit jurisdiction over this area, and over the proposed amendment. The subject property (APN 243-161-017) is one of two blufftop parcels owned by Mr. and Mrs. Dean Witter, located immediately north of Malpaso Creek (see Exhibits C & D), and within the public viewshed visible from the Highway One Bridge over Malpaso Creek (Exhibit E Carmel Area LUP Viewshed Map). On February 16, 2005, the Coastal Commission conducted a hearing on an application for residential development on the subject property (CDP 3-04-052) that included development of fencing in the area currently prohibited by an existing deed restriction. The Commission continued the hearing on the proposed residential development to consider a request for amending the deed restriction to allow the proposed fencing if it could be found consistent with scenic



**California Coastal Commission**  
**May, 2005 Meeting in Palo Alto**

Staff: K. Cuffe Approved by:



resource protection requirements for the area. The applicants are thus requesting an amendment to the previous permit requirement prohibiting development in the deed restricted scenic preservation area, to allow for construction of a 4-foot high open wire fence (with 2x4 top rail and framing) and gates along the landward side of the public accessway that crosses the site, as part of new residential development of modular single family dwelling on site (under CDP 3-04-052).

Based on previous discussions and review of permit history research on the five parcels in this area of deferred certification, the Commission has attempted to preserve views of the coastal bluffs and ocean visible from the Highway One Bridge in this area by applying the “stringline method” to restrict development within a portion of the viewshed through permit conditions that require the recordation of a deed restriction (e.g., Stackpole) or scenic easement (e.g., Schrader, Blair, Hull) that prohibits development in these areas (see Table 1). The Commission has also conditioned development on these residential parcels to: 1) provide adequate setbacks to protect views, provide room for landscape screening and assure geologic stability; 2) retain native bluff-top vegetation to the maximum extent; 3) require that new landscaping use only native, drought-tolerant species suitable to the site in order to maintain the scenic character of the area; 4) minimize irrigation on the blufftop; 5) restrict fencing and landscaping impacts within the viewshed; and 6) require applicants to obtain a separate permit or amendment for any future additions or additional development on site (e.g., fences, storage sheds, tree cutting, antennae).

Revision of the deed restriction to allow fencing that would be visible in the scenic viewshed would weaken the intent of protecting scenic views across the bluff, and would be inconsistent with the intent of the existing permit (CDP 3-00-020) and recorded deed restriction. However, the applicants have indicated that they would be willing to screen the fence with vegetation, to obscure the view of the fencing and eliminate the visual impact of such development. If conditioned so that the design, planting and maintenance of the vegetation effectively obscured visibility of the fencing (i.e., so that it was mostly covered/screened by native shrubs and vines, planted in a way so it didn’t just look like a straight line hedge), it will look similar to a bramble of bushes along the edge of the existing trail, and blend in to the character of the setting, thus preserving the open space character of the site, and would be no more obtrusive than similar vegetation along the edge of the trail might appear. Thus a low (no more than 4-foot high), vegetatively screened fence, if adequately designed, screened and maintained, could be found to be consistent with the intent of the restrictions placed on the property by approval of CDP 3-00-020 and could be approved.

Staff therefore recommends that the Commission approve the proposed amendment, which allows modifying the existing deed restriction to provide an exception for construction of a fence design, which, as conditioned to preserve the open space character of the site (pursuant to Special Condition 4 as amended by this amendment, 3-00-020-A1), would be consistent with scenic resource protection policies of the Coastal Act and would be consistent with resource protection policies of the Carmel Area LUP, which serves as guidance in this case, for parcels located in the area of deferred certification in the Yankee Point area.





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Table 1. Previously Approved Projects in Yankee Point Area of Deferred Certification.

Exhibits

- A. Regional Location Map
- B. Project Vicinity – Yankee Point and Carmel Highlands Riviera
- C. Parcel Map Showing Project Location
- D. Parcel Map Showing Project Location Within Area Of Deferred Certification
- E. Carmel Area Land Use Plan Viewshed Map
- F. Previously approved (Stackpole) Landscape Plans (required pursuant to CDP 3-00-020; dated revised May 24, 2001)
- G. “Line of Sight ‘Y’” Stringline (used in previously for CDP 3-00-020 on subject parcel)
- H. Oblique aerial photo with approximate location of “Line of Sight ‘Y’” Stringline
- I. Scenic Preservation Area and Old Coast Road Trail Easements (recorded on 2/26/02 as part of Deed Restriction pursuant to CDP 3-00-020)
- J. Photos of site before development on adjacent (Feduniak) property, and after installation of landscaping on subject property approved pursuant to CDP 3-00-020.
- K. Recent Staff Photos Of Existing Blufftop At Subject Site.
- L. Adopted staff report for CDP 3-00-020 (Stackpole)





## I. Staff Recommendation on Amendment 3-00-020-A1

The staff recommends that the Commission approve Amendment 3-00-020-A1 as conditioned .

**MOTION:** Staff recommends a **YES** vote on the following motion:

**“I move that the Commission approve the proposed amendment 3-00-020-A1 pursuant to the staff recommendation.”**

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the proposed amendment as conditioned, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves Amendment 3-00-020-A1 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Del Monte Forest LCP, which is a segment of the Monterey County LCP, and the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. Conditions of Approval

### A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.





4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## B. Special Conditions

All conditions of permit 3-00-020 remain the same except for Special Condition number 4 (Deed Restriction for Scenic and Public Access Protection), which is superceded by this permit and revised as follows:

### 4. Deed Restriction for Scenic and Public Access Protection.

- (a) **Scenic Preservation Area.** The area defined as follows shall be known as the Scenic Preservation Area: the area of current Assessor Parcel Numbers 243-161-018 and 243-161-017 to the south of a straight line of sight established by the following two points: (1) the south end of the Highway One bridge over Malpasos Creek; and (2) the extent of residential development on current Assessor Parcel Number 243-161-015 (see Exhibit D). No development, as defined in Section 30106 of the Coastal Act, shall occur in the Scenic Preservation Area except for (1) installation of drought and salt-water resistant, non-invasive native shrubs and grasses with maximum heights of 4 feet or less indicative of the Malpasos Creek coastal terrace area, and (2) installation and subsequent removal of a temporary drip irrigation system needed (if any) to establish the approved plantings in the Scenic Preservation Area, as identified on the approved Revised Project Plans (see Special Condition 4 2)-, and (3) a four-foot high vegetatively screened open wire field fence, with 2x4 top rail, located at least 3 feet inboard of the landward edge of the access trail that extends across the property and down to Malpasos Creek Beach.

...

By acceptance of this permit, the Permittee acknowledges and agrees to 4a and 4b, above.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition for the purpose of protecting scenic resources and public access. The Scenic and Public Access Protection Deed Restriction (Deed Restriction) shall apply to the Scenic Preservation Area and the Old coast Road Trail (Deed Restricted Area) and shall include a legal description and site plan of: (1) current Assessor Parcel Numbers 243-161-018 and 243-161-017; (2) the Scenic Preservation Area; and (3) the Old Coast Road Trail. The Deed Restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall also provide that vegetative screening





for fence shall be designed, planted and maintained in such a way as to ensure that the portion of the fence located within the Scenic Preservation area shall visually blend in with the open space, coastal bluff character of the area and not detract from the scenic beauty of the area. Only native vines and shrubs/perennials with a maximum natural growth height of 5 feet or less shall be allowed for screening purposes. The Deed Restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

### III. Recommended Findings and Declarations

The Commission finds and declares as follows:

#### A. Project Description and Location

The site is located at 112A Yankee Point Drive (Assessors Parcel Number 243-161-017) in the Carmel Highlands area of Monterey County (see Exhibit A Regional Location Map, Exhibit B Project Vicinity Map, and Exhibit C Parcel Map). The property is located approximately 4.5 miles south of Carmel, in a residential enclave west of Highway One, between Wildcat Creek and Malpas Creek.

The subject parcel is located within the Carmel Land Use Plan area, and immediately north of the Big Sur Coast Land Use Plan area, with Malpas Creek serving as the dividing line between the Carmel and Big Sur Coast planning areas. This portion of the Carmel Highlands area, located west of Highway One, may also be referred to as the Carmel Highlands Riviera.

The subject property is one of two blufftop parcels owned by Mr. and Mrs. Dean Witter (APN 243-161-017 and 243-161-018), located immediately north of Malpas Creek (see Exhibit C Parcel map), and within the public viewshed visible from the Highway One Bridge over Malpas Creek (Exhibit D Carmel Area LUP Viewshed Map). The subject parcel (APN 243-161-017) is located between two already developed residential parcels that front the shoreline along Yankee Point Drive. The eastern parcel (APN 243-161-018) owned by the Witter's includes a residence, to which the subject parcel has served as additional yard space. Thus, while the subject parcel is generally vacant, it has been improved by the previous owners (pursuant to CDP 3-00-020; attached as Exhibit L) with native landscaping, stone footpaths, and fencing constructed along the street and along a portion of the coastal access trail that occupies a portion of the subject parcel (see Exhibit G: Previously Approved Landscape plans). The coastal access trail, known as the Old Coast Road Trail since it follows the historic route of the Old Coast Road, occupies a 5-foot wide right-of-way along the western property line, and extends south from Yankee Point Drive to the top of the bluff, and then crosses the southwestern corner of the subject property, as it heads eastward and down the bluff face to reach Malpas Creek Beach<sup>1</sup> (see Exhibit B: Vicinity Map and Exhibit C: Parcel Map).

Although Monterey County has a certified local coastal program, the subject parcel is one of five

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<sup>1</sup> The Old Coast Road trail is actually approximately 10-foot wide between Yankee Point Drive and the blufftop, occupying a 5-foot wide strip located along the western edge of the subject property (APN 243-161-017) and a 5-foot wide strip along the eastern edge of the adjacent (Blair/Feduniak) parcel (APN 243-161-015)





residential parcels located in an area of deferred certification. Therefore, the Coastal Commission retains coastal permit jurisdiction over this area, and over the proposed amendment. Thus the standard of review for coastal development permits in this area is the Coastal Act. While policies in the County's Carmel Area LUP do not govern development in this area of deferred certification, they do include specific resource protection policies for the Yankee Point Drive area and Carmel Highlands Riviera, and so may serve as guidance to the Commission.

The applicants are requesting an amendment of a previous permit (CDP 3-00-020 - the previous Stackpole permit - that was granted for after-the-fact approval with conditions for fencing and landscaping). The applicants are requesting to amend previous permit requirements prohibiting any development in the recorded deed restricted scenic preservation area, to allow a 4-foot high open wire fence (with 2x4 top rail and framing) and gate(s) along the landward side of the public accessway that crosses the site. The fencing was originally proposed as part of an application currently pending before the Commission for residential development of this site (Witter CDP 3-04-052), that can not be allowed without an amendment to the earlier Stackpole permit.

## B. Coastal Development Permit Amendment Determination

### 1. Scenic Resources

#### A. Regulatory Provisions

As discussed in the Adopted Findings for the Stackpole CDP, the site is located in the Carmel Highlands Riviera, immediately north of Malpas Creek in an area of Deferred Certification. As such the Coastal Act is the legal standard of review, however, regulations and policies of the Monterey County LCP, including policies in the Carmel area LUP, can serve as guidance.

Coastal Act section 30251 governs:

**Section 30251.** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Carmel Area Land Use Plan (LUP) offers guidance with regards to visual resources. Relevant scenic resource protection policies of the Carmel LUP require<sup>2</sup> that:

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<sup>2</sup> These policies are cited for illustrative purposes. They are certified as applying to the Carmel Area, but not to the subject sites, because the subject parcel is in an area of deferred certification, due to unresolved public access issues.





*2.2.3.1. The design and siting of structures, whether residential, commercial, agricultural, or public, and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed.*

*2.2.3.6. Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.*

*2.2.3.8. Landscape screening and restoration shall consist of plant and tree species consistent with the surrounding vegetation. Screening on open grassy slopes and ridges should be avoided.*

*2.2.3.9. Landowners will be encouraged to donate scenic easements to an appropriate agency or nonprofit organization over portions of their land in the viewshed, or, where easements already exist, to continue this protection. Viewshed land protected by scenic easements required pursuant to Coastal Permits shall be permanently free of structural development unless specifically permitted at the time of granting the easement.*

*2.2.4.10. The following siting and design control measures shall be applied to new development to ensure protection of the Carmel area's scenic resources, including shoreline and ocean views:...*

*c. Structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in "earth" tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.*

*e. Existing trees and other native vegetation should be retained to the maximum extent possible both during the construction process and after the development is completed. Landscape screening may be used wherever a moderate extension of native forested and chaparral areas is appropriate. All new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views.*

## B. Scenic Resources Analysis and Conclusion

The applicants' site is one of the three lots located seaward of Yankee Point Drive that front Malpas Creek and are located within the public viewshed mapped by the County LCP (as shown in Exhibit D; see also Exhibit K). The shoreline along Malpas Creek is an area where special care has been undertaken to avoid development that could impact public views of the coast and ocean available from Highway One. The Coastal Commission and the County have had a long, continuous commitment to preserving the scenic resources in this area, pursuant to the Coastal Act directives of Section 30251.

Based on previous discussions and permit history research on the five parcels in this area of deferred certification, the Commission has attempted to preserve views of the coastal bluffs and ocean visible from the Highway One Bridge in this area by applying the "stringline method" to restrict development





within a portion of the viewshed through permit conditions that require the recordation of a deed restriction (e.g., Stackpole) or scenic easement (e.g., Schrader, Blair, Hull) that prohibits development in these areas (see Table 1). The Commission has also conditioned development on these residential parcels to: 1) provide adequate setbacks to protect views, provide room for landscape screening and assure geologic stability; 2) retain native bluff-top vegetation to the maximum extent; 3) require that new landscaping use only native, drought-tolerant species suitable to the site in order to maintain the scenic character of the area; 4) minimize irrigation on the blufftop; 5) restrict fencing and landscaping impacts within the viewshed; and 6) require applicants to obtain a separate permit or amendment for any future additions or additional development on site (e.g., fences, storage sheds, tree cutting, antennae).

The subject parcel is located in the coastal viewshed as seen from Highway One (see Exhibit D: Carmel Area LUP Viewshed Map). As a result of un-permitted development by the previous owner (Stackpole), an after-the-fact permit was approved which required the previous owners to record a deed restriction defining a “Scenic Preservation Area” south and seaward of a sight line referred to as the “line of sight Y.” This deed restriction prohibits development, including fences and gates, within the scenic preservation area. As shown on the site plans prepared for the Witter’s proposed residential development of the site, dated 7/14/03, a portion of the proposed new fencing (i.e., that portion that would be located adjacent to the existing public accessway) would extend across the scenic preservation area, inconsistent with the language of the existing recorded deed restriction.

Revision of the deed restriction to allow fencing that would be visible in the scenic viewshed would weaken the intent of protecting scenic views across the bluff, and would be inconsistent with the intent of the existing permit (CDP 3-00-020) and recorded deed restriction. However, the applicants have indicated that they would be willing to screen the fence with vegetation, to obscure the view of the fencing and eliminate the visual impact of such development. If conditioned so that the design, planting and maintenance of the vegetation effectively obscured visibility of the fencing (i.e., so that it was mostly covered/screened by native shrubs and vines, planted in a way so it didn’t just look like a straight line hedge), it will look similar to a bramble of bushes along the edge of the existing trail, and blend in to the character of the setting, thus preserving the open space character of the site. Provided the fence was conditioned to incorporate the integral landscaping into the design, it is possible that such fence would be no more obtrusive than similar vegetation along the edge of the trail might appear. Thus a low (no more than 4-foot high), vegetatively screened fence, if adequately designed, screened and maintained, could be found to be consistent with the intent of the restrictions placed on the property by approval of CDP 3-00-020 and could be approved.

The Commission therefore finds that amending the deed restriction to provide an exception for construction of a fence design as conditioned, would be consistent with scenic resource protection policies of the Coastal Act and would be consistent with LUP policies for the Carmel Area. Please see Special Condition #1.

### C. California Environmental Quality Act (CEQA)

Section 13096 of the Commission’s administrative Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent





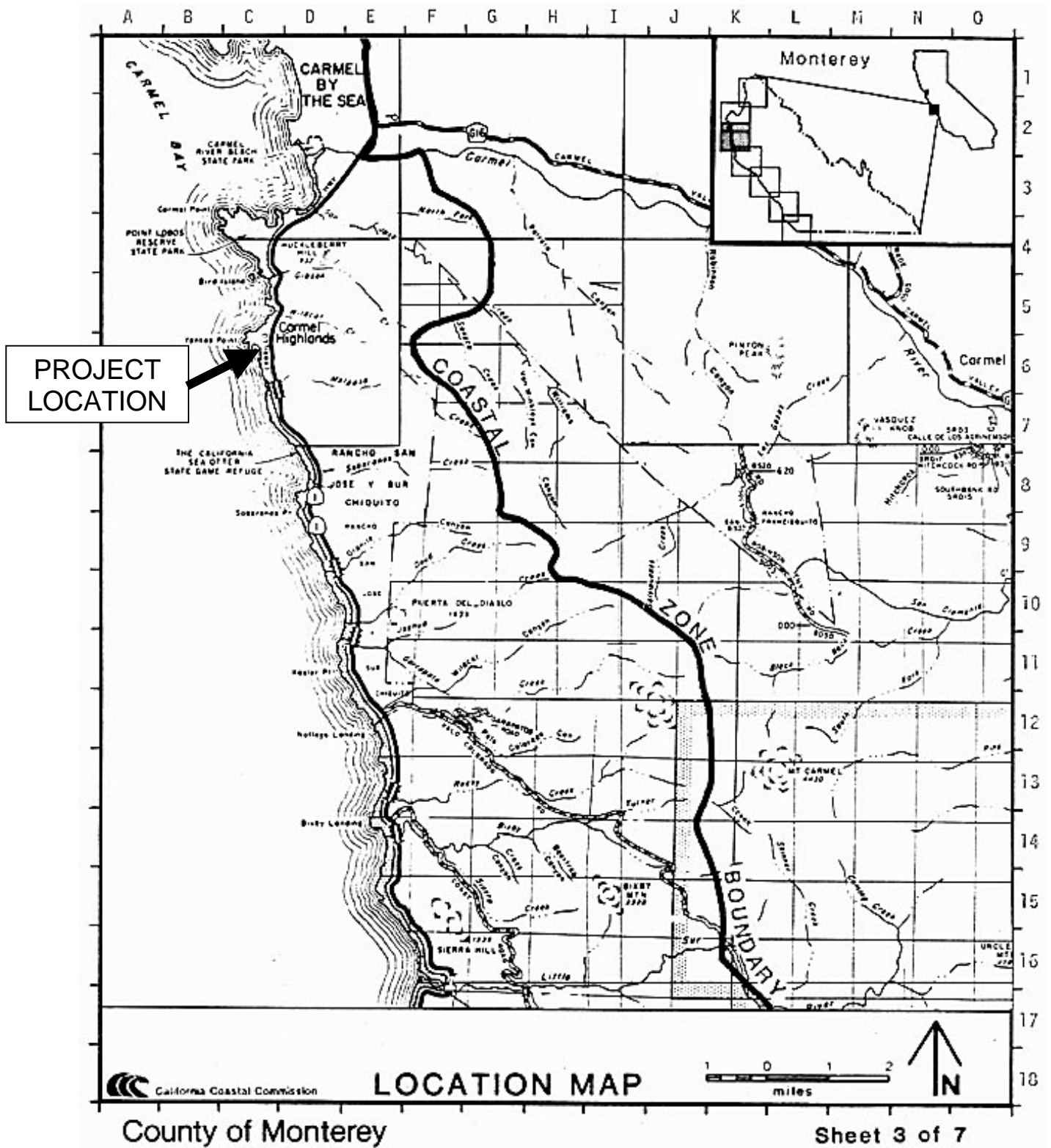
with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

The environmental review of the proposed amendment conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, in this case, scenic and visual resource protection. This analysis is reflected in the findings that are incorporated into this CEQA finding.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the amendment is approved subject to conditions that implement the mitigating actions required (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed amendment not have any significant adverse effects on the environment within the meaning of CEQA.







**Exhibit A**  
Regional Location Map: Yankee Point and Carmel Highlands Riviera





Project Location

**Exhibit B**

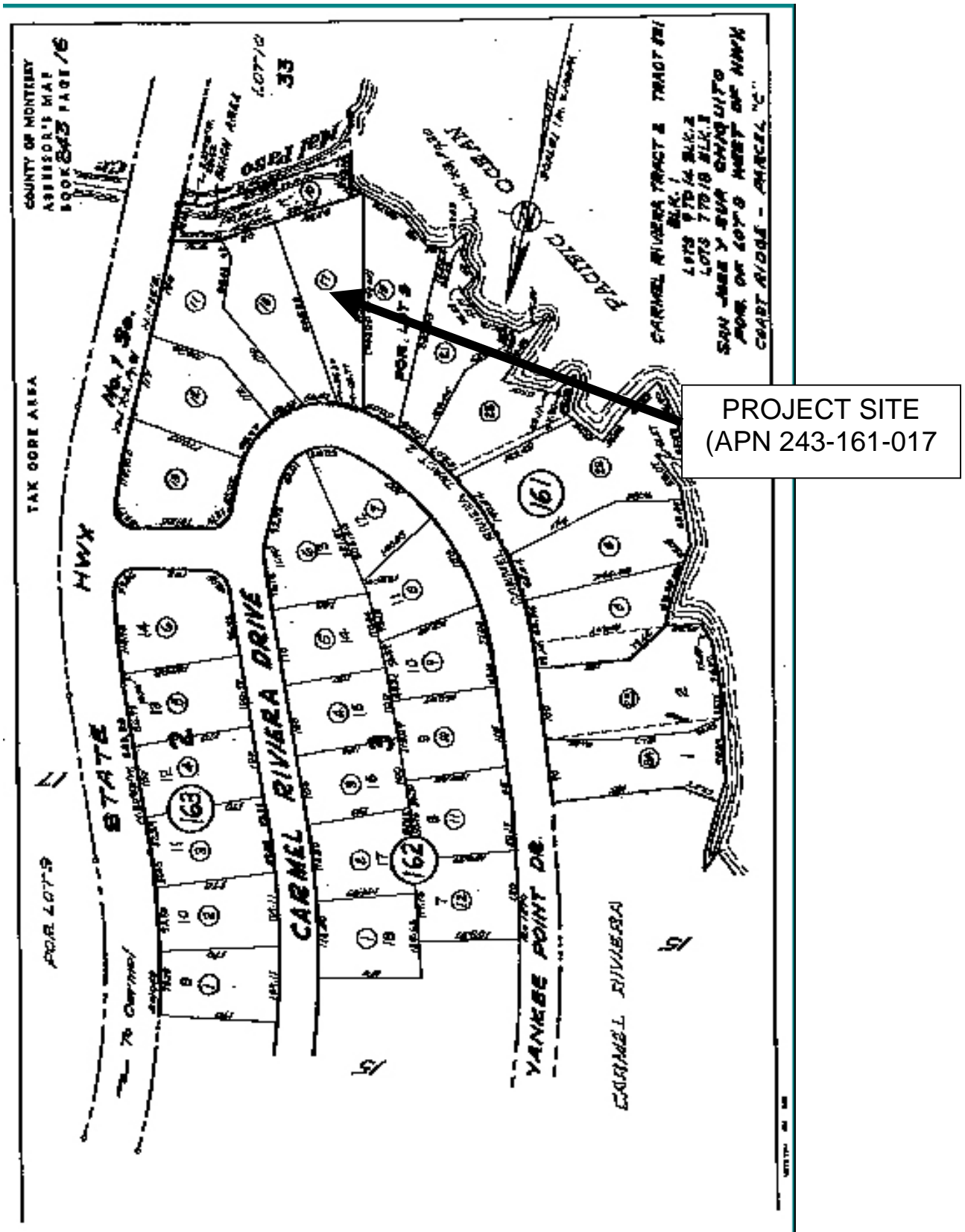
Project Vicinity – Yankee Point and Carmel Highlands Riviera



California Coastal Commission

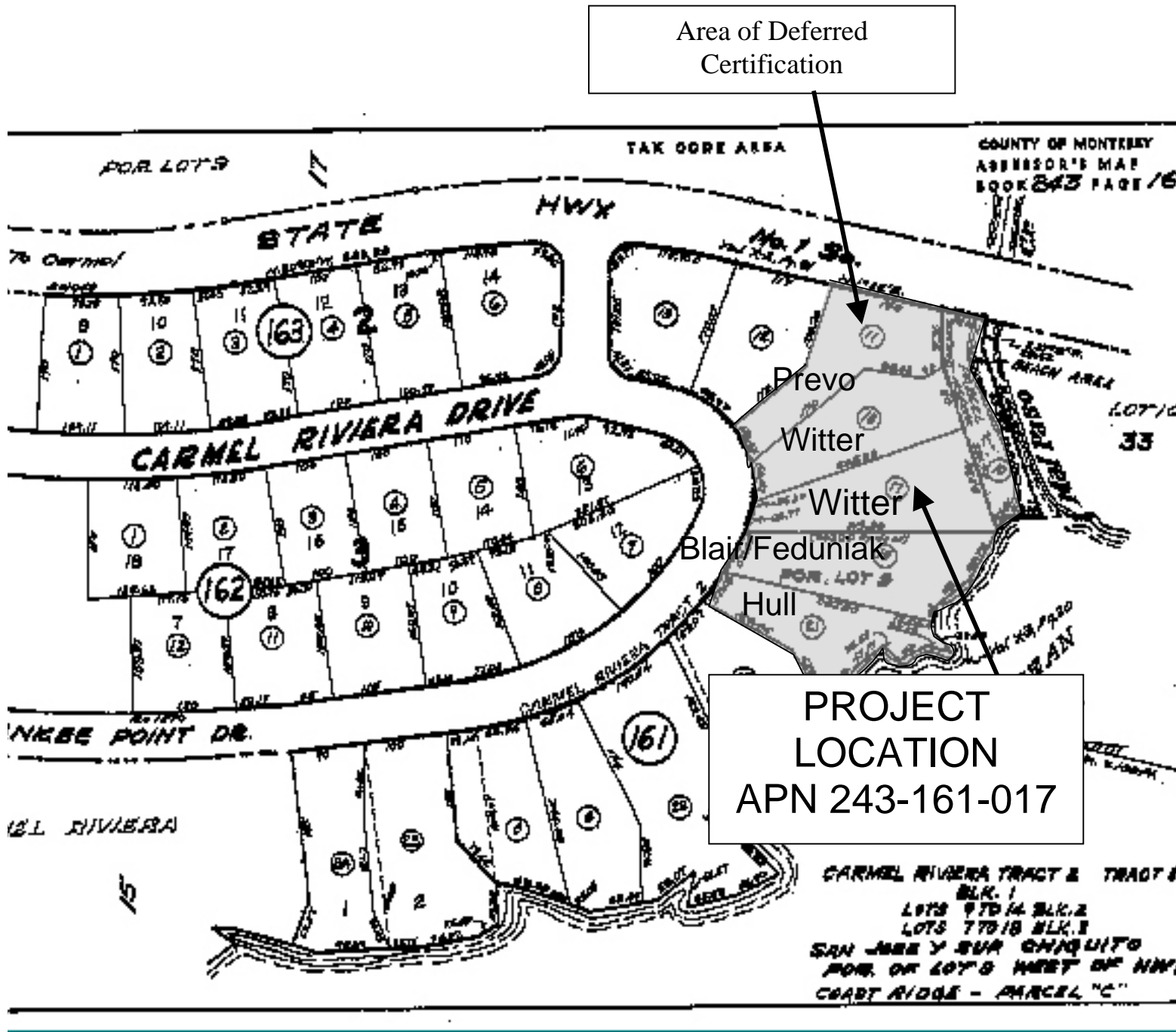
3-00-020-A1  
Witter Amendment





**Exhibit C**  
Parcel Map showing Project Location

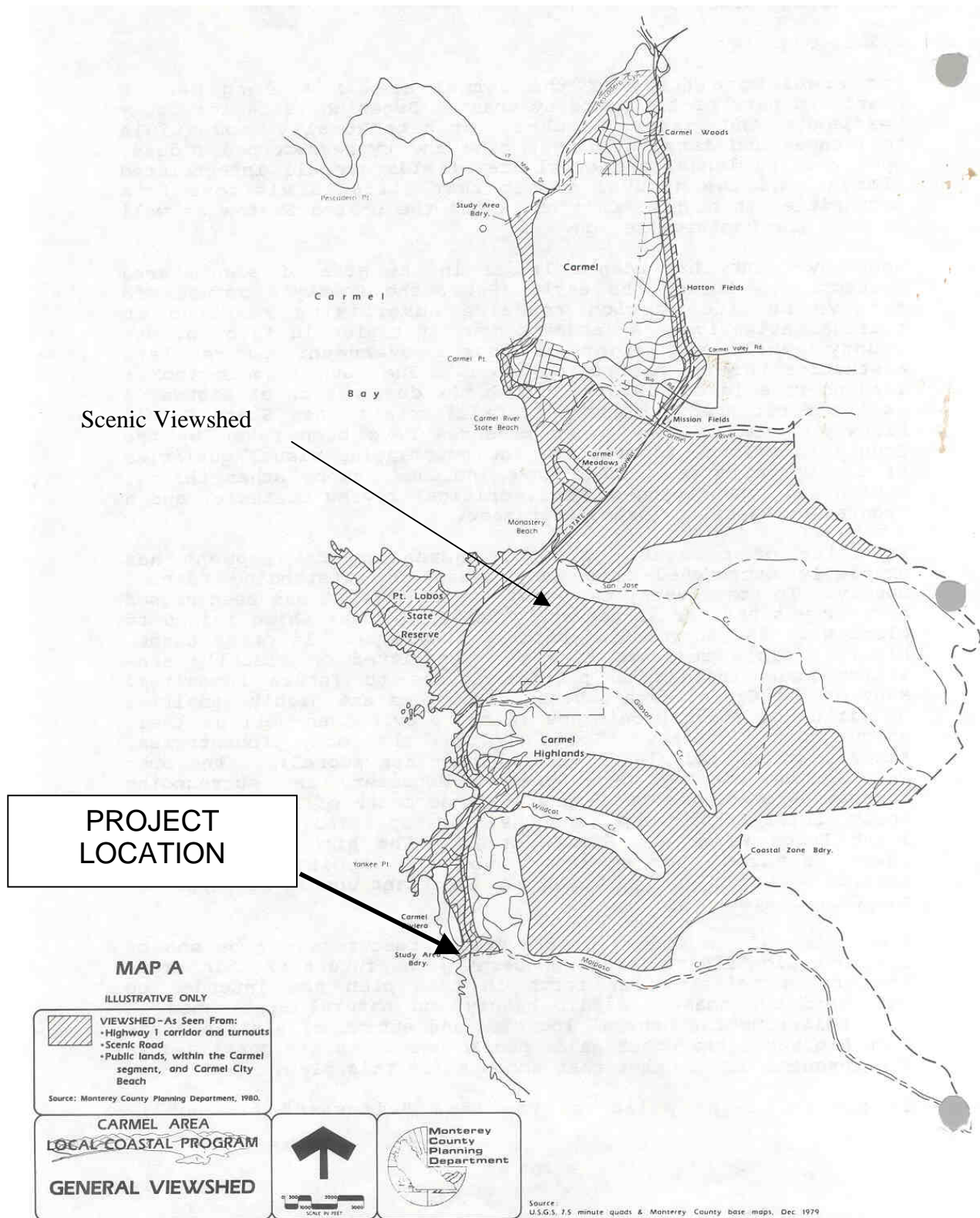




**Exhibit D**  
Parcel Map showing Project Location Within Area  
of Deferred Certification

3-00-020-A1  
Witter Amendment

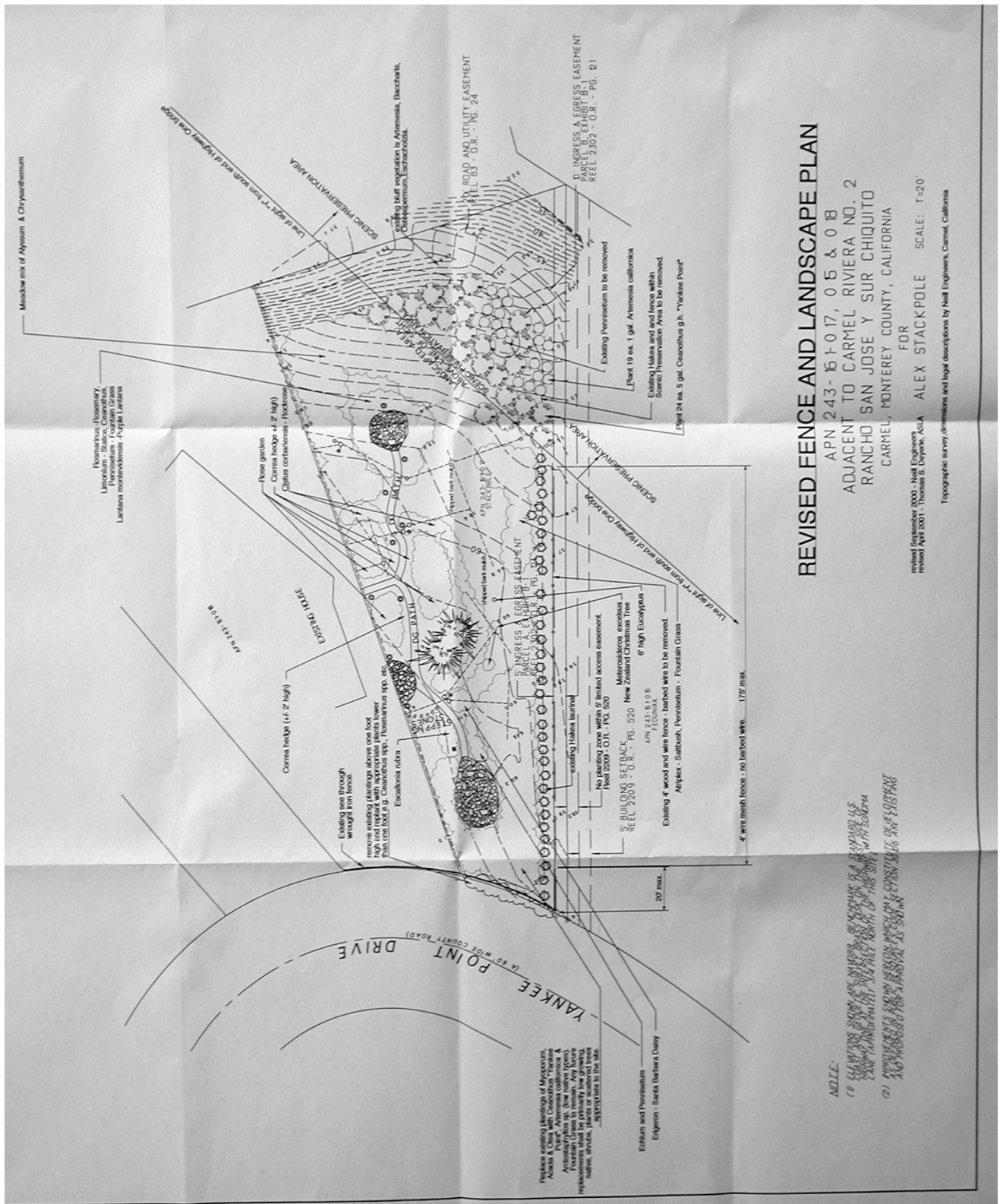




**Exhibit E**  
Carmel Area Land Use Plan Viewshed Map

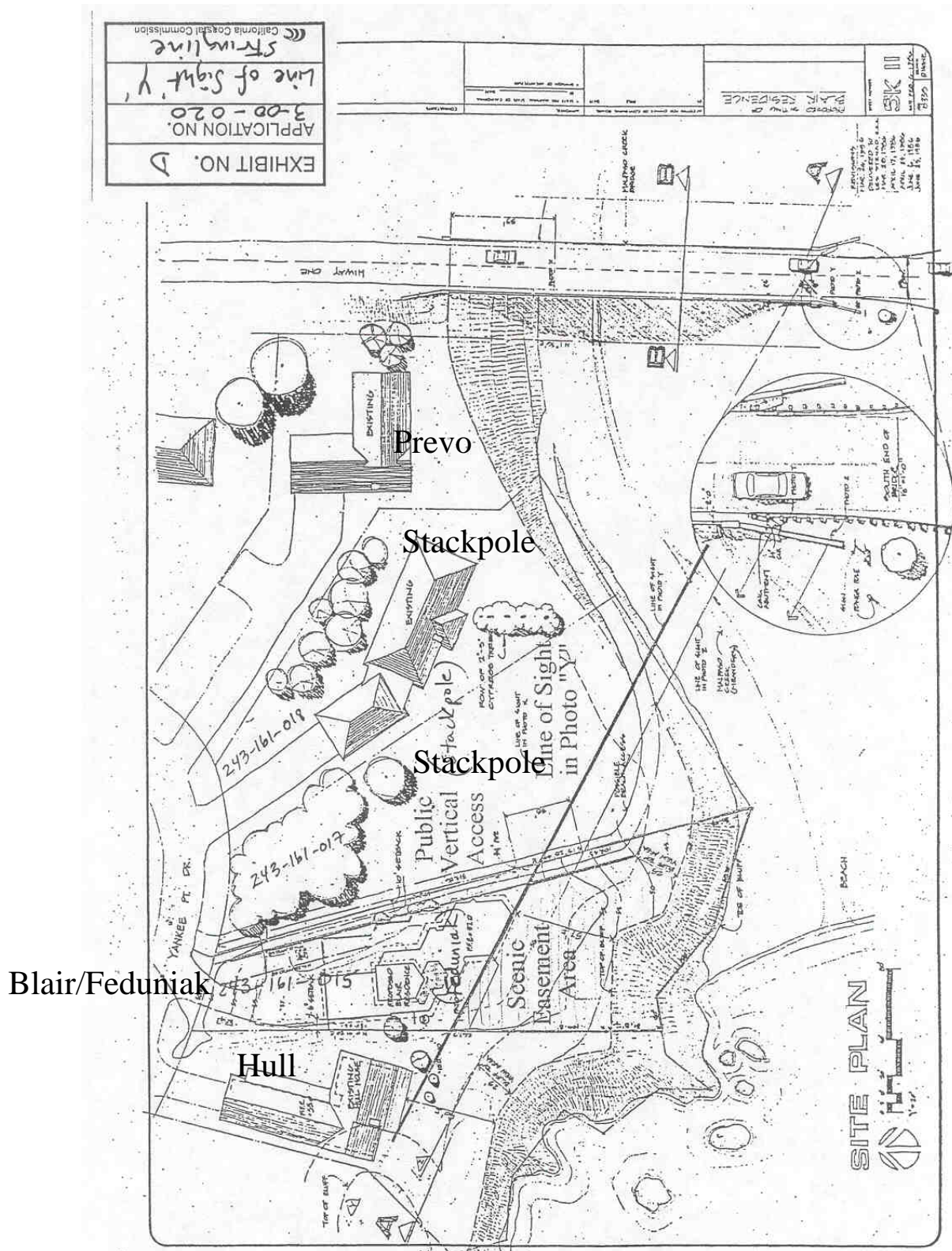
3-00-020-A1  
Witter SFD





3-00-020-A1  
Witter Amendment





**Exhibit G**

“Line of Sight ‘Y’” Stringline

(Used previously for Stackpole CDP 3-00-020 on subject parcel)

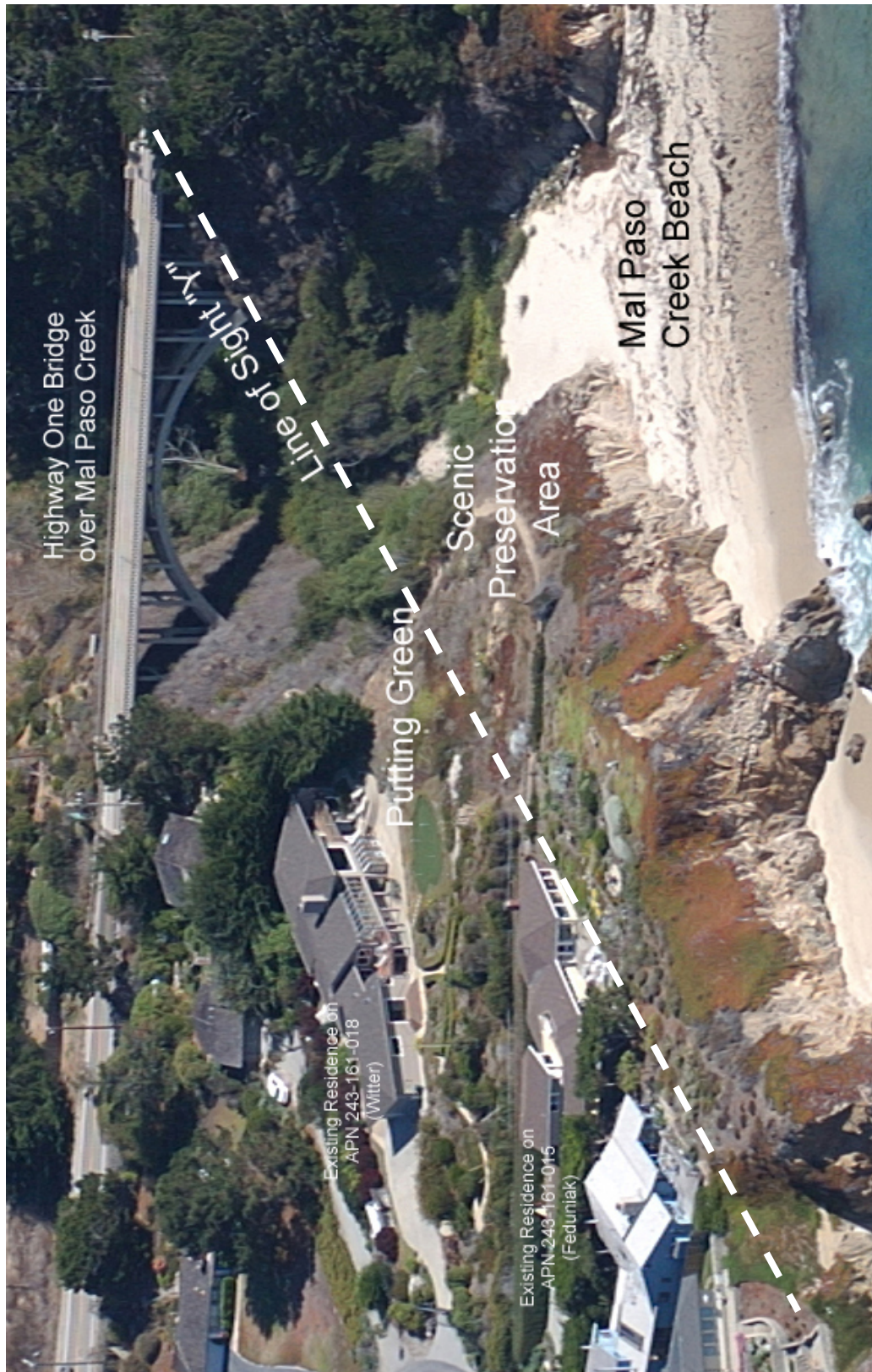
3-04-052

Witter SFD



California Coastal Commission





**Exhibit H**

Oblique aerial Photo with approximate location of "Line of Sight 'Y'" Stringline , and currently unpermitted putting green.

(Photo ©California Coastal Records Project, Image #200402364, dated 10/11/04)

3-00-020-A1

Witter SFD



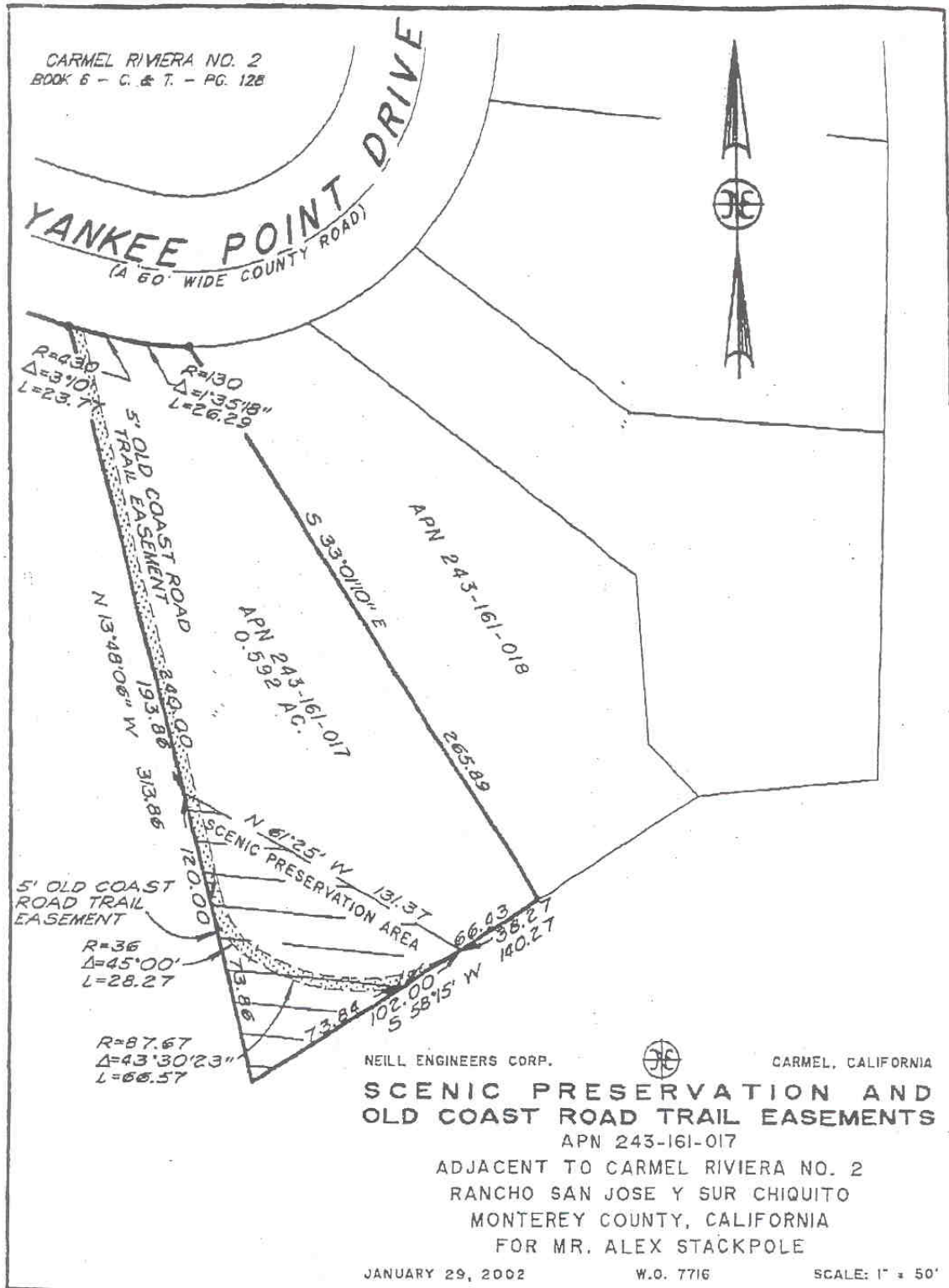


EXHIBIT D

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**Exhibit I - pg 1 of 3**

Scenic Preservation and Old Coast Road Trail Easements (recorded on 2/26/02 as part of Deed Restriction - pursuant to CDP 3-00-020)



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Witter SFD

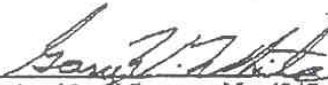


**5' OLD COAST ROAD TRAIL EASEMENT DESCRIPTION**

All that certain real property situate in the Rancho San Jose Y Sur Chiquito, Monterey County, California, being a portion of that certain 0.592 acre parcel of land described in that certain document recorded May 4, 1998 in Document No. 98-27193, records of Monterey County, California, being also a strip of land 5 feet in width, abutting and lying northeasterly of the following described line:

BEGINNING at the northwest corner of the above said 0.592 acre parcel of land; and running thence

1. S. 13° 48' 06" E., 240.00 feet; thence, tangentially,
2. 28.27 feet along the arc of a curve concave to the northeast having a radius of 36 feet through a central angle of 45° 00' (long chord bears S. 36° 18' 06" E., 27.55 feet); thence, tangentially,
3. 66.57 feet along the arc of a curve concave to the northeast having a radius of 87.67 feet through a central angle of 43° 30' 23" (long chord bears S. 80° 33' 18" E., 64.98 feet) to a point on the southeast boundary of the above said 0.592 acre parcel of land which bears N. 58° 15' E., 73.84 feet from the southwest corner thereof.

  
Professional Land Surveyor No. 4247  
January 29, 2002



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**Exhibit I - pg 2 of 3**

Scenic Preservation and Old Coast Road Trail Easements (recorded on 2/26/02 as part of Deed Restriction - pursuant to CDP 3-00-020)



California Coastal Commission

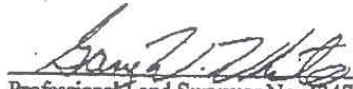
3-00-020-A1  
Witter Amendment



**SCENIC PRESERVATION AREA EASEMENT DESCRIPTION**

All that certain real property situate in the Rancho San Jose Y Sur Chiquito, Monterey County, California, being a portion of that certain 0.592 acre parcel of land described in that certain document recorded May 4, 1998 in Document No. 98-27193, records of Monterey County, California, lying southwesterly of the following described line:

BEGINNING at a point on the southeast boundary of the above said 0.592 acre parcel of land which bears S. 58° 15' W., 38.27 feet from the most southeasterly corner thereof; and running thence N. 61° 25' W., 131.37 feet to a point on the southwest boundary of the above said 0.592 acre parcel of land which bears S. 13° 48' 06" E., 193.86 feet from the northwest corner thereof.

  
Professional Land Surveyor No. 4247  
January 29, 2002



**END OF DOCUMENT**

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TOTAL PAGES

**Exhibit I - pg 3 of 3**

Scenic Preservation and Old Coast Road Trail Easements (recorded on 2/26/02 as part of Deed Restriction - pursuant to CDP 3-00-020)



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Photo 1. View of ocean and coastal bluff prior to development on adjacent parcel (243-161-015). Note natural coastal sage scrub vegetation on blufftop.



Photo 2. Same view following installation of fencing and landscaping on subject parcels (APN 243-017 and 243-018). Both Photo 1 and 2 taken from south end of Highway One Bridge. Malpaso Creek and Malpaso Beach in foreground.

Exhibit G (pg 1 of 4)  
Project Photographs  
3-00-020  
Stackpole

#### Exhibit J

Photos of site before development on adjacent (Feduniak) property, and after installation of landscaping on subject property approved pursuant to CDP 3-00-020.



California Coastal Commission

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Photo 3. View of coastal blufftop across Witter (formerly Stackpole) properties – view taken from south end of Malpaso Creek Bridge. Old coast Road Trail and Malpaso Creek Beach in the foreground.



Photo 4. Zoom of same view of coastal blufftop across Witter (formerly Stackpole) properties – view taken from south end of Malpaso Creek Bridge.

**Exhibit K**

Recent staff photos of existing blufftop across Witter site. (photos show unpermitted putting green, which is subject of related application for Witter SFD CDP 3-04-052).



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